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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,686	04/24/2007	David E. Evans	GB920030049US1	8184
61136	7590	06/26/2009	EXAMINER	
HAMILTON & TERRILE, LLP			UNELUS, ERNEST	
IBM RSW				
P.O. BOX 203518			ART UNIT	PAPER NUMBER
AUSTIN, TX 78720			2181	
			NOTIFICATION DATE	DELIVERY MODE
			06/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tmunoz@hamiltontertile.com

Office Action Summary	Application No. 10/561,686	Applicant(s) EVANS, DAVID E.	
	Examiner ERNEST UNELUS	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The instant application having Application No. 10/561,686 has a total of 11 claims pending in the application; there are 3 independent claims and 8 dependent claims, all of which are ready for examination by the examiner.

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

INFORMATION CONCERNING DRAWINGS

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

4. As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information Disclosure Statement December 22, 2005 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-6 and 8-12,** are rejected under 35 U.S.C. 102(e) as being anticipated by Son (US pub. 2003/0046281).

At the outset, Applicant is reminded that claims subject to examination will be given their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). With this in mind, the discussion will focus on how the terms and relationships between the terms in the claims are met by the references.

7. As per **claims 1, 6, and 8,** Son discloses a method of operating an application program having a graphical user interface (GUI), the method including the steps of:

predicting **(to register with a server, as discloses in paragraph 0051)** a next user input **(a user ID)** to the GUI **(see paragraph 0051);**

pending receipt of the next user input **(to wait for a user ID)**, executing a preparation portion of GUI code that provides the GUI function required by the predicted user input **(see paragraph 0059, which discloses the user entering a user ID and executing a search based on the user ID)**; and

determining whether the predicted user input corresponds to the actual next user input and, on a positive determination, processing an activation portion of said GUI code to complete the required GUI function **(see paragraph 0116)**.

8. As per **claims 2 and 9**, Son discloses “A method as claimed in claim 1,” [See rejection to claim 1 above], including the further step of: maintaining a history of user inputs to the GUI [see paragraph 0059, which discloses, “A search history record consists of entries such as, for example, those that are shown, in FIG. 2. In this example, the entries consist of a user ID (history record registrant name) which is used as the key of the record, contact to the user registrant”]; wherein the step of predicting the next user input at a particular GUI state is based on an analysis of the history of previous user inputs at the particular GUI state **(see paragraph 0116)**.

9. As per **claims 3 and 10**, Son discloses including the further step of maintaining a history of user inputs to the GUI at each GUI state, the step of predicting the next user input at a particular GUI state comprising the step of determining whether to base the prediction on the maintained history or on a record of recent user inputs to the GUI **(see paragraph 0116)**.

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10. As per **claims 4 and 11**, Son discloses wherein the prediction step comprises predicting a potential sequence of user inputs and the execution step comprises executing a preparation portion of GUI code for each of the user inputs of the predicted sequence (**see paragraph 0116**).

11. As per **claims 5 and 12**, Son discloses wherein the prediction step comprises predicting a plurality of alternative potential user inputs and the execution step comprises executing a preparation portion of GUI code for each of the alternative user inputs (**see paragraph 0116**).

RELEVANT ART CITED BY THE EXAMINER

12. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.

13. The following reference teaches a method of operating an application program having a graphical user interface (GUI).

U.S. PATENT NUMBER

US 7,263,513; 6,745,180

CLOSING COMMENTS

CONCLUSION

a. STATUS OF CLAIMS IN THE APPLICATION

14. The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

a (1) CLAIMS REJECTED IN THE APPLICATION

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15. Per the instant office action, claims 1-6 and 8-12 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

17. If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Alford Kindred, can be reached at the following telephone number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2181
June 16, 2009

Ernest Unelus
Patent Examiner
Art Unit 2181

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/E. U./

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